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CORRESPONDENCE

Women-Church cheers

Cincinnati, Ohio

To the Editors: Thank you for the article on Women-Church by Karen Sue Smith, "Claiming Our Power" [November 6]. The piece is a very fine account of the gathering. I am particularly grateful for how sensitively the author spoke about the workshops she attended. As coordinator of the entire conference, my participation was very limited. Thus, I find myself valuing accounts that others write and speak of.

The coverage of the "Abortion: Moral Perspectives" session should be helpful to your readers and to those who hold perspectives from all sides.

I am still left with the power of the closing. Smith's words fill me again with the energy in the room as each speaker gave her vision of the future.

DIANN NEU

No moral checklist

Chicago, Ill.

To the Editors: I recently had the pleasure of reading the article on the Women-Church conference ["Claiming Our Power," November 6]. I found many interesting viewpoints in the article, but felt called to write as a Christian woman, participant in the "Abortion: Moral Perspectives" workshop, and state coordinator for Religious Coalition for Abortion Rights of Illinois.

I found the question about making the determination of when abortion is moral or immoral, given that abortion may not always be evil, striking at the heart of the abortion [debate] for many of us. Although my own church's position differs from that of the Catholic church, I believe that women often face the same dilemmas no matter what their faith background when the issue of abortion arises. . . .

There may come a time in our society when having children is valued in the same way as other jobs for which people are paid. There may come a time when no child is unwanted and all children have good homes where they can flourish. There may even come a time when child abuse of all kinds no longer exists, but that time is not now. And in that imperfect world, abortion continues to be an imperfect answer to difficult decisions.

I wish there were an easy answer, a checklist of the components of a moral decision, an absolute solution. There is not, nor do I expect there to be in the near future. There will only be those questions which get to the heart of the matter for each individual involved in making a decision which has moral implications: what are the advantages and disadvantages and can I live with my decision? When those are answered individually, using whatever guidance we choose, who can stand and tell us that we are wrong? We Christians often ask if our decisions are in conflict with or in accord with God's teachings. When that question is answered to the best of our ability, we are able to go on with our lives.

The legal profession wrestles with these very problems. Our laws are based on both our personal religious convictions and our recognition of the pluralistic quality of our society. That recognition precludes our making a national set of moral standards to be applied whenever a woman has a problem pregnancy. As a religious body, however, we are free to develop standards which our members are taught to follow. Those two standards should not overlap — our religious and political/legal—but instead complement one another. This means that we must not force our own religious views on others who do not share them. Without this kind of freedom, our nation as we know it will not survive.

For society's sake, the divergent religious and moral opinions which surround the issue of abortion must be inclusive rather than exclusive. We must remember our diverse heritage and ethnicity when making policy decisions which affect us all.

PATRICIA CAMP

Moving the movement

Portland, Oreg.

To the Editors: In response to Karen Sue Smith's stimulating "Claiming Our Power," Women-Church article [November 6], may I add to the list of concerns?

We need to find . . . social solutions that make the choice of abortion unnecessary, and make distinctions, establish criteria, and set priorities in all other disciplines and research even to understand what the discipleship of equals is.

After two thousand years, a radical assessment, revision, and meaningful implementation will strengthen problem-solving of Women (and Men)-Church issues. If it's a "movement" — let's move!

MARIE SCHICKEL ROTTSCHAFFER

Wit & writ

Tucson, Ariz.

To the Editors: Some years ago you encouraged readers to voice their opinions about you. The response was overwhelmingly favorable — all your readers love you. It was almost a cult phenomenon.

(Continued on page 27)

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COMMONWEAL

CONTENTS

Volume CXV, Number 1

Correspondence 2

Editorials 3

A murderous democracy:
Jamie Fellner 6

This, too, shall pass:
David R. Carlin, Jr. 8

Looking for honest Abe:
Abigail McCarthy 9

The death penalty dinosaur:
Richard C. Dieter 11

Molding a cry & a song:
Rosemary Klein 14

Stage: *Gerald Weales* 18

Screen: *Tom O'Brien* 20

BOOKS

Making Public Policy:
John Brandl 22

New Experiment in Democracy:
Richard P. McBrien 24

Religion and Culture:
Joseph M. Powers 26

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Editor: Margaret O'Brien Steinfels
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Publisher: Edward S. Skillin

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Manipulating death

Two newborns are dying. One has a fatal heart defect, the other is anencephalic (born without most of its brain). Should the heart of the anencephalic be transplanted to save the life of the infant with the heart defect? Should the anencephalic be *killed* in order that its heart be transplanted?

Early in December, Loma Linda Medical Center in California agreed to the persistent requests of Brenda and Michael Winner to transplant the organs of their infant diagnosed before birth with anencephalia. Dr. Leonard Bailey, who made headlines in 1984 when he transplanted the heart of a baboon into a dying infant, is a pediatric transplant surgeon at the hospital. As it turned out, the Winner baby was born dead some weeks later and its organs could not be used. Nonetheless, the questions raised by the case remain unresolved.

Two to three thousand anencephalic infants are born in the U.S. each year. Those not born dead, die soon after; 95 percent are dead within a week of birth. Lacking a skull covering and cerebral cortex, these newborns never become conscious; so far as we know, they never see, smell, hear, or feel pain; most of them die of infection. Whatever signs of life anencephalics show—respiration, heart beat, eye blinking—are reflex actions centered in the brain stem. The standard medical response has been to do nothing and let them die. In this process, their organs gradually deteriorate and become unusable for transplants.

The prognosis for infants with fatal heart defects, on the other hand, has improved as pediatric surgeons have continued experimenting with heart transplants. However, the lack of donors is a severely limiting factor, and many infants die before a suitable organ—usually from an infant accident victim—becomes available. Was there not some way to make use of the organs of anencephalic newborns for whom medicine can do nothing? The Winners have not been the first to plead with doctors to draw some meaning from their tragedy by allowing another infant to benefit from an organ donation. Several families tried unsuccessfully to have California's brain death law amended to define anencephalic infants as dead at birth.

This effort points to one way of thinking about the issue. Declaring the anencephalic dead at birth assumes that they are not human persons who can claim the care and protection we normally extend to a dying person. Many people may find this a shocking view, but it is one with a real basis in traditional thinking. Some ethicists have argued that anencephalic infants lack a sufficient biological substratum to be considered protectable human life; they are living and human only in the sense that a human cell is, not in the sense of a human individual. Some moral theologians believe that anencephalics can therefore be baptized only conditionally. In the matter of providing medical treatment to anencephalic infants, Paul Ramsey, for example, has written, "Such infants demonstrate their status by dying, in all senses,

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rather quickly. So an anencephalic baby, it could be argued, no more enters the human community to claim our care and protection than a patient remains in the human community when his brain death (and consequent heart death and lung death) is only disguised behind a heart-lung machine." Ramsey would probably oppose the California legislation but the point to be acknowledged here is that, quite apart from the issue of organ donation, there *may be* serious grounds for recognizing anencephalics as not possessing the status of human beings.

The problem, however, is not likely to be generally understood in this way. If anencephalic newborns are killed in the very act of recovering their organs for transplant, the public is likely to understand this as justified because of the pressing need for organs and not because of a principled understanding of what does and does not constitute protectable human life. Indeed, the physicians who opposed the California legislation because they found it repugnant to remove the heart of a still-breathing baby would seem to share with the ordinary citizen a basic perception that this is a dying baby rather than an entity with a needed organ.

There is a second way of thinking about the problem. It has been advanced by transplant physicians, such as Dr. Bailey and Dr. Calvin Stiller of University Hospital in London, Ontario. Connect the anencephalic to a respirator at birth and provide life-sustaining measures, such as antibiotics and nourishment. Search for a suitable recipient and when the newborn dies the organs become available for transplant. But when does the anencephalic die? Anencephalics do not fall within the criteria generally accepted for establishing brain death. First, their brain stem is not dead. Second, measuring brain activity is very difficult in their case—as it is with other infants. The answer devised by some ethicists and surgeons: periodically remove the anencephalic newborns from the respirator to see whether they continue to breathe on their own. If they do not breathe within three minutes, they would be presumed dead and their organs available for transplant. If no suitable organ recipient is found after an agreed upon period of time, the newborns would be removed from the respirator.

This strategy seems to avoid two problems: The anencephalic is not directly killed and organs are preserved for transplant. But is this a real solution or a form of medical manipulation that not only allows the treatment of one infant to be manipulated in order to benefit another, but also tailors the definition of death to the requirements of obtaining transplant organs?

First of all, life-sustaining measures, such as respirators, antibiotics, and nutrition will not benefit anencephalics, neither ameliorating their condition nor making them more comfortable. Preserving and harvesting organs is the sole purpose for this use of life-sustaining medical technology.

The major problem, however, remains the question of establishing death. Perhaps the vast majority of dying anencephalics are dead if they do not breathe within three minutes, but perhaps some are not. This strategy gives the benefit of the doubt to the need for organs, not to the infant. Furthermore, it seems to create a special category for declaring anencephalics dead by trying to establish the cessation of heart-lung function while using the respirator to preserve transplantable organs. To obtain these organs, it definitely bends the accepted procedures for defining brain death. And it very much looks like medical flim-flamming, a thinly veiled way of "trading-off" one life for another.

The motive power for developing a strategy to use these infants as organ donors is said by the doctors to come from the parents themselves, who want to give this brief life some meaning. As Dr. Stiller put it, "I have been moved by the pleas of these mothers who want to redeem their pregnancies." The birth of an infant with anencephaly is heartbreaking and tragic. The use of prenatal diagnosis along with opposition to abortion, as in the Winners' case, only increases the sorrow such parents must feel in knowing that, at best, their baby will be born dying. It is not hard to hear in the Winners' plea the hope that their tragedy will give life to another infant. Their plea deserves our attention and our sympathy, but it cannot be the basis for medical policymaking.

It is to no one's benefit, especially those in need of organs, that transplant specialists appear to be manipulating brain death criteria in order to secure a steadier supply of infant organs. Are anencephalics humans who deserve the protection and respect we extend to the dying? Then this strategy is mistaken. Are anencephalics anomalies, whose condition excludes them from the human community and who legitimately can be used to provide a supply of transplantable organs? Then the anomalous, non-human status of anencephalics must be established legally on grounds having to do with the nature of anencephalics themselves—and *not* because of any need for their organs. These questions need a larger public, and perhaps legislative, discussion than so far has taken place. Once again the challenges of medicine at the cutting edge are presenting us with faits accomplis that threaten to undermine the basic prinicples of human morality. As long as cases like that at Loma Linda appear to the public as simply taking one doomed life to benefit another potentially fuller one, the course of action should be clear. Don't.

GETTING THE POINT

The first point to note about the recent document, "The Many Faces of AIDS: A Gospel Response," (issued by the administrative board of the U.S. Catholic Conference) is that it is sorely needed, well-timed, and nearly perfect in tone, being both compassionate and realistic. The second point is that the bulk of its worthwhile message has already been overlooked in the intra-episcopal quarreling that broke out the same day the statement was issued.

Too often during a contretemps like this, the public takes sides or shrugs off the controversy without ever bothering to

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read the policy statement itself. That would be particularly unfortunate given the breadth and balance of this document. "The primary concern of our observations is people's moral and physical well-being, not their condemnation, however much we might disagree with their actions," the authors say early on. That statement alone is worth rereading. Moral *and* physical, they said. That seems to be the document's strength and, to its critics, the tension point.

For the record, the document states over and over that the church must offer a clear presentation of Catholic moral teaching on human intimacy and sexuality. And it includes a capsule-sized rendition of that teaching, to which it refers several times. Even if the administrative board miscalculated the "political repercussions" of not taking a head count of supporters within the entire conference before issuing the statement, it obviously intended its' statement to be clear about church teaching on sexuality.

However, they apparently failed, at least with some of their fellow bishops. Clearing up confusion is the main theme of the statement's several challengers. Why? Not because the board waffled on church teaching, but because they juxtaposed church teaching with another, particularly prickly idea. The document insists that AIDS prevention programs should include an authentic understanding of human intimacy, but recognizes that such programs should also reflect "an understanding of the pluralism of values and attitudes in our society" as well.

That recognition of pluralism led the drafters to permit—not to insist, encourage, advocate, or promote—the giving of information about prophylactics (they never mention "condoms") in two specific instances, but only after the health risks and moral problems with the "safe sex" practices are presented, and the authentic meaning and purpose of human sexuality is explained.

What are these two permissible instances? First, if preventive programs are addressed to a wide audience wherein some people likely "will not refrain from the type of sexual or drug abuse behavior which can transmit AIDS." Second, in Catholic hospitals and health-care institutions during professional counseling with a patient at risk or who has been exposed, "if it is obvious that the person will not act without bringing harm to others. . . . " We fail to find any confusion in this.

Morality and mortality. The board advocates the former, and thereby safeguards against the latter. AIDS is fatal. AIDS is incurable. And information that may save lives when sexual teaching has fallen on deaf ears does not constitute anything other than the traditional Catholic concept of "avoiding greater harm," a standard moral principle. And in this case a necessary moral responsibility.

Archbishop Pilarczyk's succinct interpretation suffices: "What are we going to say when we talk about condoms and 'safe sex' practices? We are going to say that they are in disaccord with Christian morality and that they are not totally effective anyway . . . In my judgment none of this is particularly controversial. It is simply good sense."

THE TWENTY MILLION

When the White House table welcomed the Gorbachevs last month—with a menu of Columbia River salmon, lobster medallions *en geleé*, loin of veal with wild mushrooms, tarragon tomatoes, corn turban, etc.—twenty million Americans would have appreciated being invited. Even if only for the crumbs. They are the twenty million who go hungry part of each month in the U.S., according to the October report of the Harvard Physician Task Force on Hunger in the United States.

Since the Washington summit, the U.S. Conference of Mayors has weighed in with its own figures on hunger in this land of plenty. The figures deserve reflection: In the twenty-six cities the mayors surveyed, the demand for emergency food assistance has increased by 18 percent in the last year. Hunger is now a domestic growth industry, even in America's breadbasket. In Topeka, Kansas, a temporary project to aid those without food was initiated in 1982. Called "Let's Help," it has now become a permanent institution in the Kansas capital, and presently serves more than six hundred meals a day. From January to October 1986, "Help" distributed six thousand food baskets as well. But last year, 1987, it distributed *twice* that many during the same period.

In Brooklyn, New York, "Neighbors Together" served seventy-five meals a week when it opened its storefront doors in 1982. Now it serves more than three hundred meals *a day*. There were thirty such private organizations in New York City in 1982. Now there are almost five hundred, and they dispense 1.2 million meals *each month*. "In this country," according to Arthur Simon, executive director of Bread for the World, "both the number and the percentage of hungry people have increased in the last decade." So has the voluntary response. But it cannot fill the widening gap of hunger, American-style. Nor should we expect it to.

As appalling as these facts and their long-term consequences—the number of infants born with a lower-than-recommended birth weight in the U.S. has recently risen to 6 percent, the highest percentage in the industrialized world—is that this banquet in reverse has been accomplished by default. Dr. Larry Brown, head of the Harvard Task Force on Hunger, goes further. He declared recently in *Living Hungry in America* (Macmillan, 1987), that "We have discovered an epidemic of hunger in the U.S. born out of political ideology and government policy, a man-made disease caused by leaders who...stood firmly at the helm and purposely dismantled programs that had been successful at preventing widespread hunger in our nation for years."

According to Arthur Simon, the single most important thing needed to overcome hunger in this country is convincing people they can help change national policies on hunger. What is needed is not an insufficient distribution of the crumbs, but a pounding on the table with the national silver.

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PRIVATE JUSTICE IN COLOMBIA

A MURDEROUS DEMOCRACY

CHAPTERS FROM A DIRTY WAR

Newly revived hopes for peace in Central America are focused on the Arias plan and government-guerrilla negotiations. But just south of Central America, in Colombia, a five-year effort to negotiate a lasting peace with that country's guerrillas lies gravely wounded, victim of a dirty war that has killed thousands of Colombians. To date, the United States has ignored the Colombian experience. It can do so no longer. The growing political violence in that country carries lessons of hemispheric importance.

According to Colombian human rights organizations, there were 3,547 political homicides between 1981 and 1986; estimates for 1987 range between a thousand and two thousand. There are over seven hundred reported disappearances. Few of the victims come from the political center or right; as the respected Colombian newsweekly *Semana* pointed out in September, 99 percent are leftists or, at the very least, critics of the status quo. The most recent victim is Dr. Jaime Pardo Leal. Dr. Pardo Leal, former presidential candidate and leader of the left-wing Patriotic Union (UP), was assassinated on October 11. Assassins have also killed nearly 300 other UP members and sympathizers since the party was founded in 1985.

Colombia has aptly been called a murderous nation. According to police statistics, there were fifteen thousand voluntary homicides in Colombia last year; a murder rate roughly five times as high as the United States'.

Most of these killings are street crimes, isolated ad hoc acts. They reveal a national predilection for settling accounts—be they personal, commercial, drug-related—with violence. But unlike the other homicides, Colombia's political assassinations seem to be part of a deliberate and organized effort.

As noted Colombian columnist Enrique Santos Calderon points out: "What is happening is neither by chance nor accidental. The wave of attacks against the left is . . . coldly calculated and coordinated" (*El Tiempo,* August 27, 1987).

But who is making these deadly calculations? Who employs the unidentified killers who pull up on motorcycles, shoot their victims, often before stunned witnesses, and disappear into the traffic? No one knows for sure. The killers are rarely detained; the official investigations almost invariably come up empty-handed. No one has been convicted for any of the UP murders. Impunity protects—and encourages—Colombia's assassins.

There are those, principally within the military and in certain right-wing sectors, who believe the deaths respond to a Machiavellian plan of the armed left. According to this thesis, the ultra-left is committing these murders so as to be able to accuse the right of authorship, tarnish the reputation of the armed forces, justify armed insurrection, and destabilize the country. Few independent observers, and few persons with good contacts with the left— including with the guerrillas—find this thesis credible. Guerrillas have killed civilians, and they have even killed left-wing civilians, but they are not responsible for the assassinations plaguing Colombia's left.

The more probable thesis—and one accepted even by some high officials within the government—is that Colombia's ultra-right is responsible. Their apparent goal is to sabotage the negotiations with Colombia's guerrillas and the concomitant opening up of Colombia's political system initiated by former president Belisario Betancur (1982-86) and continued today by President Virgilio Barco. It is precisely this goal which connects what is happening in Colombia with Central America.

Colombia is a long-standing constitutional democracy. But it is one in which two parties have monopolized political power for thirty years and have relied on state-of-siege powers and the military to maintain that control. The de facto exclusion of opposition forces from the political system, coupled with grave social and economic inequalities, nurtured—and to some degree legitimated—armed insurgency. Colombia endured decades of low-intensity guerrilla warfare. Never strong enough to seriously threaten the government, the guerrillas proved resilient and resourceful enough to resist elimination.

Determined to end the bloody stalemate in his country, in 1982 President Betancur began a "peace process" unprecedented in the hemisphere. The government's policy was to reach agreements whereby the guerrillas would lay down their weapons—but not surrender—being able to participate in civilian politics, and eventually dismantle their military apparatus. In exchange, the government would offer political and social guarantees to allow ex-guerrillas into the political system and would promote much-needed political, social, and economic reform. In 1984 cease-fire agreements were signed with all but one of Colombia's major guerrilla organizations. The government secured legislation that would open up Colombian politics, including, most importantly, the popular election of mayors.

Although several guerrilla groups returned to open combat within a year, the FARC—Colombia's oldest, largest, and best organized guerrilla organization—continued to respect the cease-fire. In 1985 they created the Patriotic Union (UP), a legal left-wing political party which would test Colombia's willingness to embrace new political forces. In 1986, the UP earned 4 percent of the votes in national presidential elections, elected fourteen congressional candidates, and established itself as a serious political player. The government has repeatedly pointed to the UP as proof of the resilience and promise of Colombian democracy.

But not all Colombians have been enthusiastic about the UP's appearance on the political stage. From the outset, influential military and civilian sectors opposed a negotiated peace with the guerrillas, distrusted their commitment to peace, and were unwilling to accept participation by the legal far left, the UP, in Colombian politics. Contradictory signals from the guerrillas also strengthened right-wing opposition.

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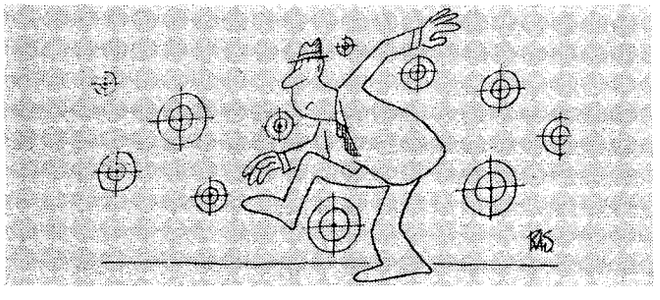
On the one hand, the guerrillas talked peace, signed the cease-fires, ended most military operations, launched the UP, and negotiated with the government. On the other hand, they continued to extort and kidnap, undertook some offensive military actions, and, most seriously, seemed unwilling to advance beyond the terms of the original armed cease-fire. Hardliners within the guerrillas believe their intransigence has been vindicated by the repeated military attacks on and assassinations of FARC and UP members.

The peace process, in effect, gave birth to the dirty war that now exists in Colombia. The far right—frustrated by government policies which mandated dialogue, not war, with the guerrillas and unwilling to permit "subversives" to gain political power even by lawful means— turned to assassinations and disappearances.

Members of the UP who have been killed include four elected congressmen, two mayors, and twenty-two council members, in addition to Dr. Leal, the party president. Some of the UP murders are the work of peasants and ranchers settling scores with the FARC. Unable to find the guerrillas, they kill the more easily located UP party members. Some of the murders also originate in turf battles between the FARC and drug traffickers; again, UP members suffer because of their association with the FARC. The Colombian government claims, for example, that the president of the UP was killed by assassins hired by an important drug trafficker. But most of the murders, it seems, stem from fierce political intolerance.

Dirty-war victims also include eminently respectable liberal democrats, such as Dr. Hector Abad Gomez. A doctor, university professor, Liberal party mayoral contender, and noted human rights activist, Dr. Abad was gunned down on August 25 last year. His name had appeared on a deathsquad "hit list" of thirty-four noted politicians, journalists, artists, professors, and members of human rights organizations. Colombians believe the hit list is evidence that the dirty war has widened to include the so-called "periphery of subversion"—democratic sectors whose opposition to human rights violations must be silenced. In the past few months, numerous new death lists have come to light. These lists, plus countless individual threats, delivered by phone or mail, have created a widespread climate of terror. Dozens of Colombians have gone into voluntary exile in fear for their lives.

Members of the Colombian military are unquestionably involved in the dirty war. Americas Watch and Amnesty International have both charged members of the Colombian military with human rights abuses, including assassinations, disappearances, and torture. Over three years ago, then-Attorney General Carlos Jimenez Gomez denounced the participation of fifty-nine members of the army in MAS, Colombia's most infamous death squad. In 1986 Gomez proclaimed: "in Colombia there is killing, there is torture, there are disappearances; these are done by people with authority, [members of the] security forces of the state, soldiers, and policemen. . . ." Other high-ranking government officials have also—publicly as well as privately— confirmed military complicity in human rights violations. In September 1987, the recently-appointed Assistant Attorney General for the Armed Forces, Omar Henry Velasco (the first civilian to hold that post), announced the interim results of his investigations into fourteen of the several dozen cases in which the UP had accused individual military officers of criminal abuses—including murder—against its members. Sufficient evidence existed in six cases to initiate formal disciplinary or penal proceedings against military officers for abuses against civilians; investigations will continue in several others.



There is some debate within Colombia as to the responsibility of the military high command for the dirty war. Americas Watch believes it is premature to conclude that the high command has authorized the political killings and disappearances. It is apparent, however, that the high command has done little to stop them. It has failed to exercise sufficient control over its subordinates; it has failed to ensure effective and impartial criminal prosecutions by military judges; it has failed to seek out right-wing paramilitary groups with the same vigor as it proceeds against left-wing guerrillas.

Colombia is not Argentina or Chile. If it is clear that elements within the military are deeply involved in the dirty war, it is also clear they are not its sole participants. The will and capacity to use violence is widely dispersed throughout Colombian society. Right-wing civilians—businessmen, landowners, drug dealers—create and arm death squads, employ and direct individual "sicarios" (contract killers). They do so independently of, as well as in association with, members of the military. But even when acting independently, civilians act with impunity. The security forces are at best indifferent to the murder of "subversives"; at worst, they actively assist.

The interaction of civilian guerrilla and military crime in a national context of rampant violence and "private justice" makes the dirty war in Colombia extremely complicated. Any given death of a political figure may be the result of any number of different factors. And the sources of violence overlap, interact, and mutually reinforce each other with an ever-increasing rise in the body count. The murder of Dr. Pardo Leal produced at least one retaliatory murder by the guerrillas, plus eleven deaths in violent confrontations between police and outraged citizens in the two days following the assassination.

Even before the assassination of Leal, Colombians who supported the peace process were extremely pessimistic about

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its prospects. Periodic skirmishes between the FARC and the military took a sudden turn for the worse last June when the FARC staged an ambush which left twenty-seven soldiers dead, forty-two wounded. The government claims there is nothing further to negotiate except the FARC's permanent disarming. The FARC refuses even to discuss abandoning its arms as long as the government does not disband the country's death squads, "purify" the military, and put an end to the murder of UP members. The FARC has recently joined with all the other active guerrillas in Colombia to form the "'Simon Bolivar National Guerrilla Coordinator," which is responsible for the November bombing of a cement factory. Many analysts believe the creation of the Coordinator augurs ill for peace.

There is much that is idiosyncratic about political violence in Colombia. Nevertheless, Central America can draw at least three key lessons from Colombia's experience.

- First, negotiations with guerrillas cannot succeed when the civilian government does not firmly control or cannot persuade the military to adhere to its policies. The military high command must also be prepared to restrain, and if need be punish, subordinates who dissent from official peace-oriented policies.
- Second, violence will continue if the guerrillas do not unequivocally demonstrate their commitment to peace. Militarism and criminal conduct by the guerrillas fuel militarists on the other side. Moreover, guerrillas must seek to balance common sense and political realism against ideological goals. Negotiations are a quest for the possible; they cannot produce the ideal. In Colombia, guerrilla insistence on maintaining the capacity to wage war until the armed forces are "purified" is an insistence on violence.
- Third, the pursuit of peace will be frustrated if political crimes, such as assassination, go unpunished. The rule of law must exist in deed as well as word. Judicial systems must function, criminals — guerrilla, civilian, or military — must be caught and prosecuted. In Colombia, the quantity of political homicides is staggering, but perhaps more ominous is the apparent inability of the government to do anything about it. Colombia's new Assistant Attorney General for the Armed Forces is one of the few bright spots in an otherwise bleak panorama precisely because he has managed, in a few cases at least, to break the previously unbroken and staggering record of impunity.

Colombia proves yet again that political peace and respect for human rights are inextricably entwined. When assassins can kill at will, the difficult process of incorporating guerrillas into civilian life may prove impossible.

JAMIE FELLNER

Jamie Fellner is a consultant for Americas Watch.

OF SEVERAL MINDS David R. Carlin, Jr.

THIS, TOO, SHALL PASS

THE FUTURE OF U.S.-SOVIET GOOD WILL

It all depends on how you define and count these things, but according to my reckoning, the newly inaugurated era of good feelings between the United States and the Soviet Union is at least the sixth such since the 1930s.

The first began when the U.S. extended full diplomatic recognition to the USSR early in the FDR administration, an event that roughly coincided with the Comintern's strategy of the "popular front" against fascism. This era came to a crashing end in late August 1939, when Stalin and Hitler created their infamous "non-aggression" pact, the green light for World War II.

The second era lasted from the summer of 1941, when Germany invaded the Soviet Union, until the end of the war, at which time the Iron Curtain dropped on Eastern Europe and the Cold War began.

The third era of good feelings began in the mid- to late-fifties with the rise of Khrushchev and "the spirit of Camp David." Like the baby carriage on the Odessa Steps, this era bounced down the stairs toward catastrophe: the Gary Powers U-2 incident, the cancellation of the Khrushchev-Eisenhower summit, the rise of Soviet-Cuban friendship, the Bay of Pigs, the unfortunate Khrushchev-Kennedy summit in Vienna, the erection of the Berlin Wall, and finally (doom awaiting at the bottom of the stairs), the Cuban missile-crisis of October 1962.

The fourth era commenced with the successful resolution of the Cuban missile impasse; it produced the landmark nuclear test ban treaty of 1963; then it dissolved during the rise of American involvement in Vietnam.

The fifth era was the Nixon-Brezhnev détente of the early- to middle-seventies — a détente that began vanishing, like the Cheshire cat, soon after it appeared, and vanished completely, leaving not even Jimmy Carter's smile behind, when the USSR invaded Afghanistan in late 1979.

Thus the recent Washington summit is the commencement of the sixth era of Soviet-American good feelings. While we all pray that this will be the definitive era of good feelings, the permanent détente, nonetheless, if the history of the past half-century is any reliable guide, we have to expect that this too will pass.

One of the reasons it will pass is that the U.S. and the Soviet Union are great powers with overlapping spheres of interest; indeed, since each may be said to have an interest in every inch of this increasingly small earth, their spheres of interest in a sense overlap totally. And it seems to be in the nature of things that powers with overlapping spheres of

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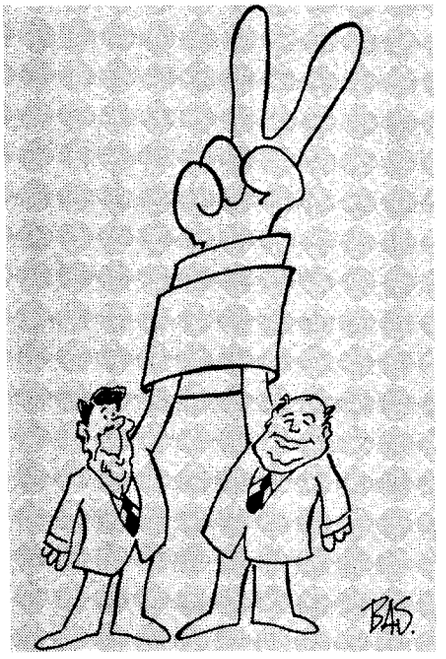
interest, especially great powers, inevitably find that their interests seriously collide with one another.

Yet another reason it will pass is that, for all the talk of "convergence" and for all of Gorbachev's *glasnost* and *perestroika*, deep philosophical differences divide the two nations — differences having to do above all with divergent ideas of human nature that have been built into their respective political institutions.

The idea of human nature reflected in the Constitution written two-hundred years ago in Philadelphia is more or less Hobbesian in character. This is not to say that all the Founding Fathers were disciples of Hobbes; they were not. But nearly all eighteenth-century English, Scottish, and American thinking about human nature — including the thinking of the men who drafted the Constitution — was deeply dyed with Hobbesian colors. Even those who made a career of refuting Hobbes did so after conceding that he was 90 percent correct. They disputed the last 10 percent only. What this came down to in practice was an admission that average human nature was inspired by self-interested motives almost all the time. Hobbes, indeed, had gone further: he had said that every single person, not just the average person, was motivated by self-interest all the time, not just *almost* all the time.

If we are discussing intimate groups, such as friendships and families, it makes a big difference whether we are pure Hobbesians or semi-Hobbesians. But if we are designing political institutions, as they were doing in Philadelphia in 1787, it makes no difference at all. If average human nature is egoistic and self-seeking, then we had better design our political institutions to guard against the aggressions of self-interested persons or groups, who would be sure to abuse too liberal a grant of power. Given a desire to protect freedom, then, the American system of elaborate, almost extravagant, checks and balances follows from the Hobbesian or semi-Hobbesian premises of the Founding Fathers.

What follows from the Hobbesian starting point is a non-utopian goal for government. The Founders had no plan



to build heaven on earth. The goals they put forward in the preamble were the customary aims of government (justice, defense, general welfare, domestic tranquillity). Even the goal of securing the "blessings of liberty" was nothing innovative. It had been part of the program of all republics, ancient, medieval, and modern; and for one hundred years it had been in the program of that republic-disguised-as-a-monarchy, Britain.

What made the Hobbesian idea of human nature especially acceptable to eighteenth-century Americans was no doubt its similarity to the Augustinian idea of human nature after the Fall. In fact the Hobbesian anthropology was a secularized version of the Augustinian anthropology, much as Benjamin Franklin's business ethic was a secularized version of the Protestant Ethic. And eighteenth-century America was a Protestant nation whose Protestantism was still richly flavored, through Calvin, with Augustinianism. To such ears, Hobbes rang true.

In contrast to the American idea of human nature, the Soviet idea derives, through Marx, from Rousseau. It sees human beings as essentially altruistic, at least once their basic personal needs have been taken care of. Given this idea of human nature, there is no reason in principle why vast and relatively unchecked power should not be entrusted to small groups of people. Nor is there any reason that government should confine itself to traditional goals; with such potentially saintly human material, why not proceed to build heaven on earth?

At the level of practical politics, of course, the fundamental rule is that we have to live with people we do not agree with, even with people we dislike. Therefore, we must embrace this latest détente and try to maximize its benefits. While doing so, however, we must bear in mind that there are powerful forces, both political and philosophical, that doom this era of Soviet-American good feelings, like all previous ones, to a relatively brief duration.

OF SEVERAL MINDS Abigail McCarthy

LOOKING FOR HONEST ABE

WHATEVER HAPPENED TO TRUE-BLUE LEADERSHIP?

There is nothing we need more in these days of 1988 than a national resolve to recover the old-fashioned virtue of simple honesty and its practice. We seem to be totally confused about it. That was painfully apparent in the explanations given by randomly interviewed voters when Gary Hart reentered the race and almost immediately shot up in the polls. The respondents were wildly beside the point: "He deserves a second chance." "He was done in by the press." "His private life shouldn't enter into it."

By any dictionary definition of the

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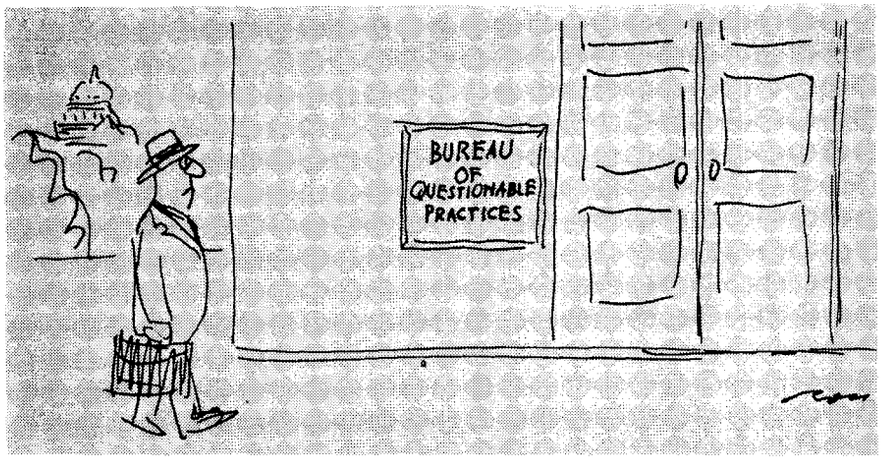

words "honest" and "honesty," Gary Hart is not an honest man. He lacks "straightforwardness of conduct," he is not known for "adherence to the facts," he cannot claim "freedom from subterfuge and duplicity." Neither is integrity, nor sincerity — the synonyms Webster gives for honesty — his to claim. This is a man who offered uncertain information about things as basic and verifiable as his age and name, who never gives credit to those who contributed to his "new ideas" and helped with his books, whose flagrant unfaithfulness and marital deceit was far from private — indeed made public through his own arrogant carelessness, then lied about in the face of fact.

Time was when we held honesty as the quintessential trait to be admired in our leaders and to be emulated as far as possible by us, their followers. For generations children were taught this by two cherished national myths. One, concocted by a well-meaning parson, was the story of George Washington and the cherry tree, a tale intended to inculcate the importance of straightforwardness and truthfulness, characteristics the nation at large earnestly wished to attribute to our first president. The other — the story of Abraham Lincoln and the pennies — seems to have some basis in fact. I would wager, however, that it is the rare school child today who knows about the young store clerk who, after a long day's work, walked six miles to return a few pennies he had inadvertently overcharged a customer. (Pennies had more value in Lincoln's day, and the story varies a bit in the telling — in one version the customer is a poor widow, in another a crabbed old farmer. The point was that Lincoln was *honest*.) Perhaps the story is no longer taught because the reaction of today's young, who must have designer jeans and running shoes and aren't too particular about how they get them, is apt to be either disbelief or scorn.

What do they see to emulate? A White House aide is convicted of perjury and high officials laud him and express sorrow, apparently because he was caught. Men like North, Poindexter, and State Department official Elliott Abrams are hailed as patriots for illegally selling arms, misappropriating money and soliciting under false pretenses, conspiring to destroy evidence or to smuggle it past government guards, and lying about it all under oath. Even the vice president, it seems, was party to all this. The attorney general, who has responsibility for the Department of *Justice*, is closely associated in business and friendship with men indicted for racketeering, fraud, and conspiracy. (As of this writing, he himself has not been indicted but the prosecutor indicates that he may well be.) So much for those governing the country and their "freedom from subterfuge and duplicity."

What of honest work, once believed to be a unique American value? American autos are regularly recalled for lethal defects. Assembly-line workers have been known to weld beer cans into the parts and pass on things like faulty wheel assemblies. A company whose chief executive is sometimes approvingly suggested as our next president, turns back the odometers on thousands of luxury cars and sells them as new. Railroad engineers under the influence of drugs wreck trains. A technological manufacturer with a fat government contract sells inadequate rings to NASA; an inspector passes them, and astronauts and passengers meet a fiery death.

What of honesty of word and purpose? Our airlines regularly lie about departure and arrival times and available space. They entrust their passengers to hundreds of pilots who have drunk-driving records. After Black Monday on Wall Street state security regulators had eight thousand reports of brokers who had almost ruined small investors with unauthorized trading, misleading sales pitches, and unsuitable investments, including options. Banking companies have laundered money for organized crime and smuggled huge sums abroad to avoid taxation. Mergers involve colossal indifference to those served by the companies involved and their shareholders. In the financial markets, according to convicted financial trader, Ivan Boesky, insider trading is rife.

In her forthcoming book, *Convictions* (Random House), Arlene Violet, former nun and first woman attorney general has this to say of her native state: "Rhode Islanders know that ethical standards exist, but they never demand that they be put in place, lived up to, or made part of their lives." In the face of the daily headlines we can well think that the country has become one vast Rhode Island.

Can we change this national climate? Can we muster the resolve to change for the better? Historically there is some precedent. I am oversimplifying a bit but it is generally true that the licentiousness and cynicism of the eighteenth century was replaced by a time of moral living and simple virtue. In another time the corruption of the Renaissance church (which brought about the Reformation) was corrected by the Counter-Reformation. How? What was the method and the cost? It is not enough simply to resort to the old Chinese prayer, "O Lord, convert the world — and begin with me." We have to have leaders. We must be clear about honesty in our leadership. We must demand it. And we must make ourselves and our community worthy of it.

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THE DEATH PENALTY DINOSAUR

CAPITAL PUNISHMENT HEADS FOR EXTINCTION

RICHARD C. DIETER

The festive lights of the new Baltimore loom into view as I-95 rounds the final curve before descending into downtown. But the malls and glass office buildings of the inner harbor fade quickly as I drive on to where the streets become empty and dirty papers swirl with every gust of the chilly wind. The black walls of the stone prison cast long shadows in the arc lights. Tonight, I'm going inside to talk with the men who have been sentenced to be gassed in this same prison.

I don't have much to say. My efforts against the death penalty seem a feeble effort in the face of the overwhelming demand for the lives of these people, and 2,000 others like them around the country. I've seen the chair where they'll be strapped as the cyanide pills are dropped into the acid to make the deadly gas. It's all quite real: the pipes; the airlocks; the steel death chamber with windows for viewing. It's ready for use, even though there hasn't been an execution here in twenty-six years. The executioner says he's ready, too. He'll follow the orders.

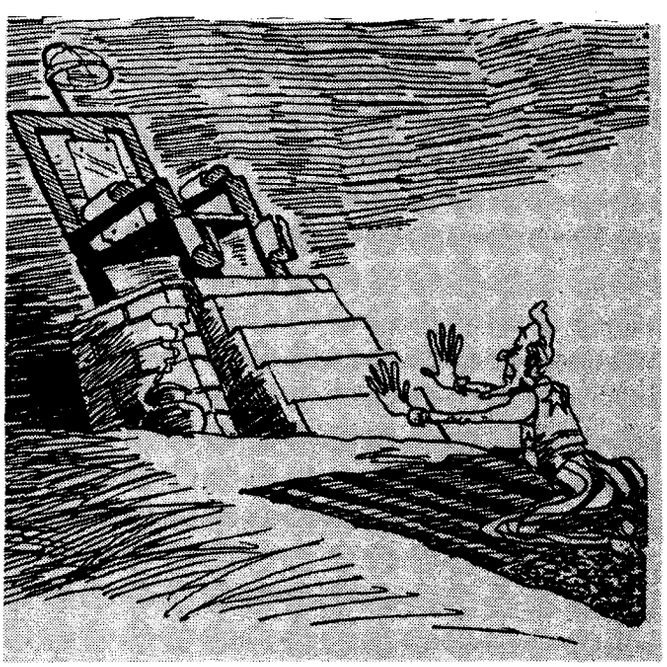
I can't tell the prisoners that I have any magic plan to save their lives. They wouldn't believe me anyhow. They've sensed the hatred, the sensational level of revulsion that their deeds have evoked.

The best I can do is pass around a few papers which explain why people should be against the death penalty and talk about our plans for effecting a major shift in public opinion. The rest of the time I'll just listen to their concerns. I've been in enough prisons so that fear is not a distracting emotion, but I can't stifle my utter amazement: there are no guidelines for talking to a group of killers struggling with the prospect of their own impending deaths.

As I enter the room of eleven men, I'm not surprised that almost all the faces are black. The same is true for most of the entire prison and the guards as well. The discussion goes well, and gradually what I've been preaching to other people slowly dawns on me. We are all fellow human beings in this room and that commonality surpasses all the differences. They do not berate me for being idealistic or for not doing enough while their lives hang in the balance. They let each person have his say. Much of the debate in prison centers on whether it would be better to have a life sentence without possibility of parole or to face the gas chamber.

As I leave, I'm shaking hands and promising to keep in touch, as if I'd just spoken to a church social group. The message I leave with them would be fine for any other gathering, but here it is tinged with tragedy: the death penalty *will be* abolished, I tell them . . . but for some in this room, I'm thinking, it may come too late.

The long drive home helps bring back the reality of the staggering task ahead. Still I know that the demise of the death penalty is much more than an improbability. The signs of its extinction are present, even as it seems to flourish: like the dinosaurs before they disappeared.



RICHARD C. DIETER *is the director of the Let Live project at the Quixote Center in Hyattsville, Maryland, and a founder of the Alderson Hospitality House, located near the federal prison in Alderson, West Virginia.*

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Surely, a strong case can be made for the fact the capital punishment in the U.S. is alive and well. Since 1972 thirty-seven states have chosen to write death penalty statutes in compliance with the Supreme Court guidelines. The number of people on death row is more than at any time in our history. The Supreme Court most recently voted to uphold the death penalty, despite clear evidence of racial discrimination (*McCleskey v. Kemp*). Public opinion polls show that over 70 percent of the people support it and the federal government has been looking for ways to broaden its own powers so that it can kill along with the states. There doesn't seem to be anything standing in the way of a steady rate of death convictions and executions.

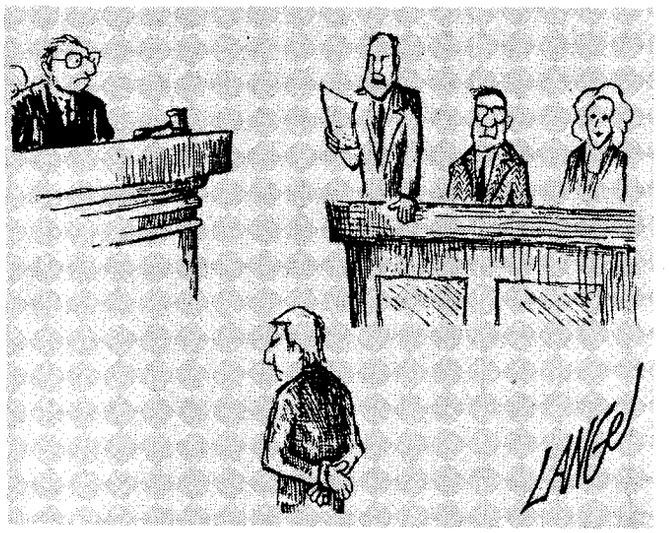
But consider what all this "success" for the right to kill means. If death row were literally one continuous row it would stretch for over two miles — two miles of people lined up to be gassed, hanged, shocked, shot, or injected. The image is one of the death camps so vividly etched in our minds from the Holocaust. This death row has been growing by immense proportions; about 250 new people across the country are sentenced to death each year. Some of these will file successful appeals. Some will probably commit suicide. A select few will actually be executed. Last year 18 were killed; the year before, the number was 18 also, and the year before that, 21 people were killed.

The most recent statistics show that the pattern may be changing. In the four months following the Supreme Court rejection of Warren McCleskey's claim of discrimination, there were twenty-two executions. Yet, it is questionable whether such a pace will continue. Many appeals, especially in the State of Louisiana, had hinged on the McCleskey appeal. When it lost, no avenues remained open and execution dates were set on a daily basis.

But even assuming that executions rose to a level of sixty per year, that would not begin to stem the ever-increasing population of death row. We would have to execute four people every working day of the year for over two years just to deal with the backlog of condemned prisoners. Despite America's seeming love of the death penalty, there is a reluctance to actually carry out the sentence. Typically, executions are carried out very late at night, with a limited number of witnesses. Public executions were stopped many years ago, and none has ever been televised.

Many people in favor of the death penalty admit they would be reluctant to flip the switch sending 2,500 volts of electricity through another human being sitting before them. To mute the horror of killing there has even been an attempt to turn over the process to the medical profession. The "humane" method of execution is now lethal injection — people are put to sleep.

Meanwhile, the backlog of pending executions continues to grow. For the moment it seems we can live with at least some prisoners being put to death, some of whom will be teenagers, some of whom will be retarded, half of whom will be from minorities, almost all of whom will be poor, and some of whom will later be found to be innocent. But even if we have the stomach for this type of killing, there are factors which pose a significant obstacle to capital punishment.



"In keeping with the contemporary legal climate . . . we sentence the defendant to life on death row."

The death penalty has become the dinosaur of the criminal justice system in more ways than its ungainly size. To proceed with cases in the deliberative manner which the Supreme Court and the Constitution demand has become increasingly costly and time consuming. In the 1930s, when executions reached their highest recorded peak, it was not unusual for someone to be on death row for less than a year. Over 150 state executions were carried out per year. But the numbers have dropped steadily since then, and in 1968 executions stopped altogether. In 1972 the Supreme Court ruled that all existing death penalty statutes were unconstitutional since they were far too arbitrary and capricious. There was a clear potential for racial discrimination to corrupt a process that had few guidelines.

Some states worked hard at re-writing their laws to satisfy the Supreme Court's objections. In 1976 the Court approved the discretionary measures written into the statutes of Florida, Texas, and Georgia. Thirty-four other states followed suit and most of the new laws have weathered numerous challenges. But with the new conditions it is not unusual for someone to be on death row for eight or ten years before being executed. Even ignoring the mental and physical torture that this entails, the financial costs have become enormous.

The state, of course, pays for the entire prosecution of the defendant through the conviction, the penalty phase, and all the appeals. The state also pays the court costs (the judges, clerks, recorders, etc.) through these levels. And because 90 percent of the inmates on death row are indigent, the state also pays for the defense attorney through the guaranteed levels of appeal. In addition, in most states the prisoners are kept in special quarters, with added guards and security. Typically, death row inmates are not allowed to work and thus do not contribute to these costs. A 1982 study by the New York State

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Defender's Association calculated the expenses of re-instating the death penalty and concluded that the average capital trial and first stage of appeals would cost the New York taxpayer about $1.8 million per case, about three times the cost of keeping a person in prison for life.

In Kansas, the legislature recently rejected the very death penalty it had approved in its previous session. A key reason cited by a senator who reversed his vote was the cost factor. Estimates ranged as high as $11 million per year to maintain the death penalty. In Ohio, public defender Randall Dana said that the costs leading up to an execution were at least $1 million per case. And in Florida, experts estimated that the state spent between $5 and $7 million to execute John Spenkelink in 1979.

In matters as emotional as the death penalty, costs may seem a small factor. But in a state like Texas, which leads the country in executions (there have been 25 executions in Texas since the death penalty was re-instated) it represents an enormous bill. Some officials there estimate that the state's pursuit of capital punishment has cost taxpayers $183.2 million, and there are presently 250 people on death row.

Meanwhile, as cases drag on for ten years and as almost half are eventually overturned, the imagined deterrent effect drifts further into obscurity. The deterrent argument has always been suspect. At first glance, it seems only natural that criminals would be deterred by the thought of death. But even assuming that sufficient thought goes into the violent and irrational crimes which are tried as capital cases, it is not likely that the threat of death would prevent them. For one thing, murderers already risk death if they are caught in the act. But criminals are gamblers, betting on the fact that they won't be caught at all. If they really weigh the odds, they'll realize that only 1 out of 200 murderers receives the death penalty, and that at present far fewer are executed, some many years down the road.

The evidence from states and countries without the death penalty bears out the conclusion that deterrence is at best unprovable. In Canada, the murder rate declined after the death penalty was abolished. Abolitionist states have crime rates on a par with or lower than neighboring states which retain the death penalty. There is even some evidence that executions promote violence. Just as the pickpockets in England plied their trade ambitiously at the public hangings for the same crime, so too researches have noted a rise in murders in the months following an execution. The Supreme Court in *Gregg v. Georgia* stated that the death penalty has not proven to be any better a deterrent to murder than alternative sentences.

While these arguments seem to weigh heavily against recourse to the death penalty, capital punishment continues to spread. But if the numbers and costs of state killings are not enough to effect its abolition, then the reemergence of the charge of racism may well be what causes its final collapse. Ironically, it could be the temporary defeat of the racial argument following McCleskey which will help it eventually to prevail. It is no secret that blacks in this country continuously receive the short end of the stick when it comes to education, jobs, and access to the full power and protection of society. Without a fair share of these resources, blacks have always faced abuse in the selection and prosecution of cases for the death penalty. Today blacks constitute 44 percent of those on death row, while representing only 11 percent of the population.

Another overwhelming discrepancy is in the race of the *victims*. Almost all the victims involved in death penalty cases are white, despite the fact that half the victims of murders in this country are black. Since executions resumed in 1977, 87 percent of the cases involved white victims. In an exhaustive study of murders in the State of Georgia, Professor David Baldus of the University of Iowa found that murderers with white victims were eleven times more likely to get the death penalty than those with black victims. Alternative explanations were sought. Professor Baldus factored in some 200 variables which might also affect which cases got chosen for the death penalty. His conclusion was that, allowing for all these other factors, killers of whites were still four times more likely to get the death sentence than killers of blacks, and that *black* killers of whites were the most likely of any group to be sentenced to death.

This issue reached the Supreme Court in the case of *McCleskey v. Kemp*. In handing down the decision in April 1987, the Court did not challenge the validity of the statistics but ruled 5-4 that the statistical evidence was insufficient to prove discrimination in the particular instance of Warren McCleskey's case. The civil rights community reacted immediately and angrily. At a press conference the next day, major civil rights groups vowed to abolish the death penalty. A coalition of civil rights groups, members of Congress, church representatives, and abolition groups has since drawn up federal legislation which would bar the use of the death penalty in states where there is statistical evidence of racism, either with respect to the defendant or the victim.

Generally, a federal bill forbidding states the use of the death penalty has almost no chance, either constitutionally or popularly. But legislation which John Conyers (D-Mich.) plans to introduce soon, is being promoted as a piece of civil rights legislation, similar to the voting rights act. As such, it will draw the support not only of those who oppose the death penalty, but those who consistently vote for legislation protecting the rights of minorities in this country.

The bill would not abolish capital punishment outright. But there is hardly a state or jurisdiction where there is no indication of racial imbalance when it comes to the death penalty. To rectify this discrimination will take years of effort and millions of dollars, with no guarantee of success. Meanwhile, executions may come to a halt and there will be an opportunity to reopen the moral debate. This time, the near-unanimous voices of the churches, the clarity of the civil rights leaders, the frustrations of even death penalty adherents, and the reluctance of the American people may well combine to strike down

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once and for all the notion that there is a clean and proper way to kill another human being under the state's total control. Killing as a form of punishment can then be abolished.

It's been difficult lately to get into that Maryland prison to meet with the death row inmates. One of the death row organizers has been put in solitary confinement. The temperature gets so hot that he's reluctant to put on the single bulb in his cell for a short span to write letters. Others are discouraged. Their dates get closer, their appeals are running out. The people on death row are perhaps the least esteemed among us. For Christians, that is precisely the reason for turning to them. For all of us, it is a measure of our sense of hope.

MOLDING A CRY & A SONG

AMERICAN PRISONERS AS POETS

ROSEMARY KLEIN

Probably only those things are worthwhile which can preserve their validity in the eyes of a man threatened with instant death . . . Czeslaw Milosz
The Captive Mind

The Light from Another Country: Poetry from American Prisons contains the work of sixty prison poets with a few words of biography about each one. While no single poet's experience is "typical," Jimmy Santiago Baca's is illustrative. "I didn't know how to read or write very well. So, instead of painstaking labor over my grammar and punctuation, I threw them to the wind, and wrote, and wrote, and wrote," explains Baca, who found himself a poet at Arizona State Penitentiary:

> Now . . . I am taking time with my poems and am careful of punctuation and grammar. When a man is drowning, he does not wonder if the decks are polished enough. He simply survives, or tries to, with what he can. Poetry in prison served as a chunk of driftwood I clung to. Now that I am ashore, I find myself building another boat, this time taking time to polish and secure the boat that carries the cargo of my life, fruit, land, babies, a good woman and home, the sun and moon, friends, across the land.

How do prisoners like Baca get involved with poetry? Through people like Joseph Bruchac, editor of the anthology (Greenfield Review Press, 1984), poet and a teacher of creative writing "on the outside." Bruchac made it his business to "liberate" people behind bars through the art form he knew best.

Bruchac brought his *Light* to a book fair in Minneapolis, where he told an audience of poets-at-large what one of his students had said after their second class: "You know, when I'm writing, I'm not in prison." The audience fired salvos of applause. Who had ever said it so well, for *all* of them?

The authors of *Light* represent a variety of sexes, races, landscapes, hungers, and histories. In other words, they come from the assorted American "cells" which the rest of us share. As Edgar Jackson-Anawrok writes from Fairbanks, Alaska:

> I am Edgar, an Eskimo
> a lonely hunter
> no less a man —
> My brown skin, scarred
> has felt the biting wind
> entering my soul
> scattering the hate, self-pity
> my pride
> into a common language
> the language I'm learning to speak
> to trust —
>
> I can look back
> not in anger or hate
> but with respect for my people
> myself
> for believing in our traditions
> accepting the changes
> as the world passes into confusion
> as we pass in silence towards freedom —
>
> the freedom of choice

Freedom, incarceration, and communication are three of the themes you naturally expect to find in such a book. What comes as a surprise is the freshness of insight and expression — generally so different from the poetry of amateurs outside of prison. Consider, for example, these lines by Michael Hogan, convicted of robbery and forgery of Supreme Court documents:

> The bars on my cell have rusted.
> It is intriguing to think how that happened.
>
> Less than a decade ago they were forged

ROSEMARY KLEIN *is a free-lance writer and the former editor of the* St. Charles Press *(Minn.). Her poems and stories have appeared in* Peninsula Review *and* Great River Review.

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of the finest tempered steel.
They were dipped in great vats, coated with primer,
set in place with torches
then sprayed with institutional green.

Now they're rusted. . . .

Have there been, I wonder, little people
chipping away at the paint,
oxidizing the metal with damp diminutive hands?
Late, late at night when the walls have cooled,
it is all I can do to resist the urge
to search in the darkness beneath my bunk
where there could be a mushroom, pale and mysterious,
growing out of the concrete floor.

Toughness you expect, as in Raymond Thompson's poem, "Who Needs Charlie Manson?":

(I heard a prison guard brag
about shooting a kid in Viet Nam,
booby trapping the body,
and watching the kid's family blown apart,
laughing)

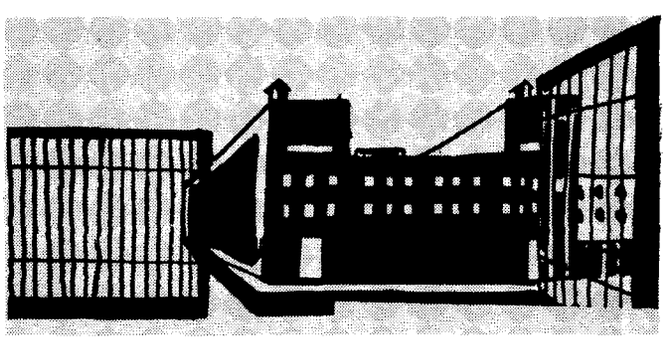
He needs Charlie

What takes you by surprise is the tenderness, as in Dennis Shady's "Moose Lake State Hospital":

I would like to visit my Grandfather
I tell the nurse at the desk.
I feel hatred inside,
having to *ask* to see him.

We just sit there
neither one speaking . . .
I want to ask him
How he is doing,
but I already know the answer.

He never looks at me
Just keeps staring out over the lake,
watching, waiting, for something
the ducks swim by
splashing, quacking
the birds dart here and there
singing songs to one another,
And people on the far side of the lake



laughing, joking, skipping rocks over the water

I get up to leave
It was nice to see you, Grandfather
I will come back tomorrow.
And we will talk of the old days again.

J. J. Maloney discovered poetry while serving a life term in the Missouri State Penitentiary. Out on parole, encouraged by Thorpe Menn, book editor of the *Kansas City Star*, Maloney became a reporter for *The Star* and a welcome contributor to the *Washington Post*, the *Los Angeles Times*, the *St. Louis Post-Dispatch*, and the *Christian Century*. His first novel, *I Speak for the Dead* (Andrews & McMeel), appeared in 1982. Maloney dedicates his poetry to Menn, "that good and unusual man," who died in 1979. Maloney writes in "City Jail":

A black guard motions me into an airway full
of pipes and conduits —
He wants me to take my clothes off
they always want you to take your clothes off
I think it gives them the advantage
puts you in your place.

Naked I stand in a small wind
my face a concrete mask molded
by years of experience

He tells me to spread the cheeks of my ass
and bend over
then he takes a flyspray can and sprays me
with disinfectant
the same for the genitals.

Over against the casual monstrosity of prison routine, humankindness asserts its frailty:

The trouble was
a black man crying
next to me, our doors
slammed shut and locked.

I hear his sobs
feel them through steel
and tell him, "It'll be alright —
it'll be alright tomorrow . . ."

Of course poet Philip Brasfield, serving a life sentence in Texas, knows it won't be all right tomorrow. But, then, we *all* know that. Literature lies in how we deal with our knowledge, as Paul David Ashley, who died in the Arizona State Prison in 1975, put it in his poem "Beauty":

even among the deformed
there is a certain beauty: in the hand
of an amputee
rising to ward off a blow

The Light from Another Country contains several dazzling poems, such as James Lewisohn's "The Blind Man,"

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which begins:

> The street comes to him
> from the cane.

or J.J. Maloney's "The Prison Guard":

> Day after day after day
> he trudges to work
> with a mouthful of cobwebs.

But the real genius of *The Light from Another Country* is something else. Borrowing the words of prison poet Michael Knoll:

> Something in the darkness
> has given birth to a sky
> spinning with a fierce impossible light . . . .

If that sounds like Genesis — or Science 101 — no wonder; the "country" may be prison, but the light is the grace of God, communicated in the usual incognito: "My first true excursions into poetry began when Richard Shelton walked into the Arizona Correctional Training Facility, wearing his blue work shirt and grey felt hat," writes prison poet W.M. Aberg:

> He carried with him a worn leather bag, stuffed with books, magazines, and various periodicals, most of which I had never heard of before. In turn, I carried to the workshop a fat black notebook filled with doggerel of the worst sort: "the cold iron bars, plus a missing woman, equals loneliness and heartwreckage" etc., etc. After the first workshop, I was hooked: poems began disappearing one by one from the notebook, and gradually newer ones took their place.

What happens on paper is the outward sign of an inward grace, as Jimmy Santiago Baca describes the process in "It Started":

> . . . . A poetry workshop,
> an epicenter of originality, companionship,
> pain and openness,
> For some,
> the first time in their life writing,
> for others the first time saying openly what they felt,
> the first time finding something in themselves,
> worthwhile, ugly and beautiful.

And then he gets down to cases:

> I showed you my first poem ever written,
> 'They Only Came To See the Zoo'
>
> But you didn't treat me like a wild ape,
> or an elephant. You treated me like Jimmy.
> And who was Jimmy?
> A mass of molten fury in this furnace of steel,
> and yet, my thoughts became ladles, sifting carefully
> through my life, the pain and endurance,
> to the essence of my being.
> I gently, into the long night, unmolding
> my shielded heart, the fierce figures
> of war and loss, I remolding them,
> my despair and anger into a cry and song,
> I took the path alone, nuded myself to my own caged animals,
> and learned their tongues and their spirits,
> and roamed the desert, went to my place of birth . . .
> Now tonight, I am a burning bush,
> my bones a grill of fire,
> I burn these words in praise,
> of our meeting, our friendship.

"The very design of imagination is to domesticate us in another, a celestial nature," wrote Ralph Waldo Emerson, back in the early days of (white) American literature. Stronger, to my modern ears, is the language of Michael Knoll:

> . . . in this story
> there's always the possibility of morning,
> a chance
> that the screams which drip down at midnight
> are not really threatening
> but wishing us well,
> wishing us a life
> in another story.
> (from "An Overture")

The irony of the title: *The Light from Another Country* is that it's *not* another country these poets are writing about, but America — an America

> for the most part unexpressed
> in poetry until now
> (for language is a kind of *power*):
>
> "hey C-9758"
> "what"
> "are you in there"
> "yeah i'm in here"
> "ok"

"Without the poems, I have nothing to say," says Daniel L. Klauck, number C-9758 at the State Correctional Institution at

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Pittsburgh, author of "Visits":

> for seven years my mother has been visiting me
> faithfully each week
>
> they stop her at the front gate empty her purse
> "what's this"
> "lipstick sir"
> "and this"
> "cigarettes for my son officer"
> "well open 'em up"
> "yes sir"
> "you sure there ain't no marijuana in 'em"
> "i'm sure sir"
> "better not be lady or you're in big trouble
> now get that junk the hell outta here". . . .
> at the visiting booth
> "hi mom how are ya"
> "i'm fine honey how are you"
> "oh i'm ok they didn't give you any trouble
> coming in did they"
> "no none at all son they're always very courteous" . . . .

Motherhood is big in this America, but apple pie seems to be missing:

> In the sad cafes that are our lives
> every jukebox plays the same song.
> The walls tremble behind their paint
> like old men in new suits.
> The tables are carved
> with the names of our fathers.
>
> The waitress has clicking eyes;
> her teeth are the bones
> of all things dead.
> She offers us fishcakes and honey
> that taste like nothing.
>
> Outside, the sign of welcome
> is only WE COME . . . .

according to Robert B. Smith, "brought to the Arizona State Prison in 1967, at the age of nineteen, and the authorities were so taken with me that they've kept me here ever since" — this by way of explanation, in case his memory for detail seems inordinately stark.

On the bright side, and on its own terms, *this* American literature upholds the principle of the melting pot (no shortage of blacks and Hispanics here). It reconfirms our famed infatuation with technology and, against all odds, tentatively dreams the American Dream:

> I was born in a small adobe apartment rented by my father for my mother in May of 1945. I experienced the first breath of life in a barrio called El Barrio Libre in South Tucson, Arizona. I am a Chicano, a veteran of the American motion: I love the smell of fuel, scorched smoke when slicks burn-out, the deep voice of three

Meet Robert Bell (& Kaitlin). He keeps readers laughing.

AGE: 41
EDUCATION: Dartmouth & Harvard
OCCUPATION: English professor, Williams College. Married to Ilona Bell; they have two daughters.

"I'm a high-spirited guy who enjoys joking and laughing, but I don't consider myself a particularly adroit wit. I do enjoy worrying, though I've been deprived of the kinds of misery most comedians seem to have experienced. My humor seems to work best when something in the so-called 'real' world touches a nerve. Then I release some kind of energy which is a bit strange and kooky. Though I like to satirize wickedness, I'm more likely to gently spoof folly, most often in myself."

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deuce carbs sucking the world down narrow throats, the magic of engines whining-out at quarter mile drag strips, the beat of the sixties, Drive-in movies, and the infinite vibration the eternal pulse of our Universe.

I am a Vietnam War Survivor, my life delayed my soul suspended somewhere near the South China Sea; an ex-marine; an obsolete habitual abuser of needles and hard drugs, and today I am a very sober convict inspecting a new dawn: I've been into creative writing a year and a half . . . . I hope to earn a serious career as a writer and translator of poetry.

Such is the vision of José Y. Terán, Jr., also at Arizona State Prison.

If you fear for his chances, it may mean that you don't really believe in miracles; that you know something about America which Terán somehow has overlooked; and/or that this literature is taking hold — you not only appreciate the odds he's up against, but want him to succeed. Because, through the power of the word, he and the others have unlocked the invisible cell, making themselves *real* to you.

For what it's worth, editor Joseph Bruchac shares your feelings, in his "Foreword." He mentions prison poet Charles Schmidt who, "after finding poetry, changed his name, changed his whole way of living in prison" and "was stabbed to death by inmates who still remembered the old scores he was trying to forget."

Bruchac quotes from Mike Hogan's poem about Schmidt: "He was killed because he forgot fear . . . . Prisoners die from openness and courage." Bruchac writes:

> There is a great deal of openness and courage in the poems in this anthology. I find myself, at times, waking up at night and thinking about the result that kind of increased sensitivity may have on those who are still locked inside. Poetry risks so much. Yet people in prison choose to take that risk . . . . From the darkest corner of our society, their words come shining.

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STAGE

TALES & DRAGONS

'INTO THE WOODS' & 'NIXON IN CHINA'

Once upon a time there was a wizard named Bruno Bettelheim who ventured into the dark interior of popular fairy tales in a conscious search for the shared unconscious. His *The Uses of Enchantment* has been invoked a lot lately in comments on *Into the Woods*, the new Stephen Sondheim-James Lapine musical. Yet, unlike *The Juniper Tree*, an opera with Jungian connections, *Woods* is less a probe into the unconscious than a refashioning of familiar stories to fit the thematic and aesthetic concerns of its creators. This puts them in the company of artists as different as Walt Disney and Milt Gross, as Anne Sexton and James Whitcomb Riley, who once retold "Little Red Ridinghood" in baby talk. *Into the Woods* is a serious attempt to deal with the necessary loss of innocence and the precariousness of dreams fulfilled; it is also a musical comedy that has fun with its music, its characters, its staging, at least until well into the second act when its best intentions weigh it down. Perhaps there is an accidental symbol (if not an unconscious one) in the giant's head that—flaxen braids and all—comes crashing onto the stage toward the end of the show.

Sondheim and Lapine tell again how Cinderella gets the prince, Little Red Ridinghood escapes the wolf, and Jack makes a killing (in two senses: the giant and the goose with the golden eggs) out of a judicious use of the beanstalk. In a fairy tale of their own devising, librettist and composer create a baker and his wife who must succeed at an unlikely treasure hunt if they are to free themselves of the curse of sterility laid on them by the witch next door (incidentally, the mother of Rapunzel). The show opens with the titular song, at once cheerfully brisk and somewhat ominous in the way that the music pulls the characters into the woods where they will find what they think they want; even the baker, a little older than the others, is an innocent, a likable klutz suffering from chronic indecision and a missing father who, in this over-plotted olio, inevitably turns up and, after the fashion of fathers, offers cryptic advice to all the questers. By the end of the act, the stories are told and it is happily-ever-after time. Even the witch, who has been under a spell, turns into Bernadette

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Peters, her true and beautiful self.

Ever-after lasts until the second act when the characters find that they have left fairy-tale land for Sondheim country, where they find betrayal, infidelity, boredom, recrimination, the taste of ashes in the mouth of realized desire. And pain. And death. Dreams tarnish, ideals wither in other Sondheim musicals (*Follies*, for instance), but something else is going on here. In an interview (*New York Times Magazine*, August 30, 1987), Sondheim suggested that the characters were being punished for misdeeds and a failed sense of community. "You can't just go stealing gold and selling cows for more than they're worth, because it affects everybody else." At the end, the surviving characters—Cinderella, Red Ridinghood, Jack, and the baker—sing "No One Is Alone," a song that turns *Into the Woods* into a standard maturation play in which preoccupation with self ("Your Fault," they sing earlier in the act) gives way to sharing. Not a fairy tale, then, *Into the Woods* is a cautionary tale that ends in Broadway uplift. There are many attractive things in the show—Danielle Ferland's cheeky Red Ridinghood, Joanna Gleason's baker's wife, Robert Westenberg's priapic wolf and his bored prince, Bernadette Peters in and out of her witch makeup—but it is simply an amiable musical when one thinks of *Sweeney Todd, Sunday in the Park with George, Pacific Overtures*, and *A Little Night Music*.

Perhaps there is a limited supply of excitement available to musical theater in any season, and this season's quota was being used up at the Brooklyn Academy of Music, where John Adams's *Nixon in China* was presented as part of the Next Wave festival. There is something ludicrous about the subject of this opera to anyone who has survived the trashing of Helen Gahagan Douglas, the Checkers speech, and Watergate, but from the opening scene, in which the chorus gathers at the Peking airport to welcome the Nixons, it is clear that the audience is in for something a great deal more complex than political cabaret. Peter Sellars, whose direction is strangely austere for a man with his reputation for flamboyance, has spread the chorus across the stage in a grouping that seems at once casual and controlled. They stand, unmoving, staring out at the audience, dark figures against a coldly appealing backdrop—trees lightly sketched against a wall of white—while Adams's music begins its first pattern of intensifying repetition. Then they begin to sing—"The Three Main Rules of Discipline and the Eight Points of Attention," according to librettist Alice Goodman's synopsis—and it is clear, even before Nixon makes his very American entrance down the boarding steps that he is a kind of innocent abroad. He has only a bewildered Pat and a fakily assured Kissinger to give him purchase. This sense of dislocation is underlined when he sings his eagerness, his invocation of history as a witness to his presence in China.

In a program note, Goodman says that she insisted that the work had to be a heroic opera rather than a satire, but she indicates that her Nixon is not the same as those of Adams, Sellars, and James Maddalena, who is so impressive in the role. Although the work may not be satire, much of it is clearly funny, and what one can make out of the rhymed libretto is witty, often in sly ways as when Chou En-lai sings about China's need to manifest its destiny, setting up echoes of America's nineteenth-century dream of hemispheric domination. The scene between Nixon and Mao is essentially comic with Nixon's growing confusion as Mao insists on making philosophical rather than practical/political statements while a trio of secretaries sings his remarks over and over again. Pat's tour of the city is as foolish as such official tours are in reality, but the humor in the scene (the abrupt movement from hospital to pig farm while the chorus, singing, "Pig, pig, pig," runs eagerly ahead) is tempered somewhat by the sweetness that the music and Carolann Page's performance gives to Pat's platitudes.

The scene that best shows the tension between fun and feeling is the one in which the Nixons join Chiang Ch'ing at the Peking Opera to see a performance of Chiang's *The Red Detachment of Women*. The villainous landlord is doubled by

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the actor who plays Kissinger (''he looks like you know who,'' sings Pat to Richard). Once the heroine is rescued from traditional repression, she—lacking proper indoctrination—is pushed around by the revolutionaries as the action degenerates into Red Guard violence until the heroine dances her way to ideological correctness. In the meantime, first Pat and then Nixon are drawn into the action on the side of the heroine, and Chiang, distressed at what is happening to her ballet, sings her authority as Mao's wife in a hysterical repetition of the ''book,'' which is sung as a two-syllable word fluting upward. Much of the behavior of the Nixons in this scene is laughable, but Pat's impulse to protect the girl transcends the absurd and becomes touching.

In the last scene (originally a separate act), the tone of the piece changes, becomes meditative as each of the principals (except Kissinger) appears in his bed and sings his own doubts, fears, uncertainties. To some members of the audience this scene is a letdown from the fierce cheerfulness of much of the music and action, but it seems to me a necessary finish to the piece. It may not make *Nixon in China* a heroic opera, but it gives a dramatic substance to the characters that rescues them from any lingering claims of caricature.

GERALD WEALES

SCREEN

GO EAST, YOUNG MAN

'EMPIRE OF THE SUN'

Steven Spielberg, who directed and co-produced *Empire of the Sun*, doesn't want to grow up. In some artists, this refusal can be a fruitful source of protest against time, or, if handled ironically, bittersweet humor. Any obsession can be fruitful; look how wittily Hitchcock handled his with blondes. A director can return to the same theme, or change subjects and deal with a similar theme (as Spielberg has done here with growing up), and still mature artistically. Tone is all.

Empire feels like two films: a stirring, even scary epic spliced with a stagy, unconscious self-glorification. English child actor Christian Bale, as the son of a British diplomat in Shanghai, almost saves the movie with his portrayal of grace and near-madness under the enormous pressures of war, separation from his parents, near-starvation, and the knockabout world of an internment camp. But he is constantly undercut by a tendency toward mawkish, heavy-handed gestures by the director. *Empire* is a curious case of arrested development: Spielberg wants to depict maturity but is too close to the childish.

Several scenes especially reveal Spielberg's problem, because they almost surmount it and give familiar concerns of his—threats to home, childhood adventures—some mature feeling. Bale's manic love of fighter aircraft can be treated ambivalently; the distance between child's play and real war is slyly elided in a strong early scene when Bale jumps into a ruined aircraft. Spielberg also manages a nerve-racking gothic scene when Bale returns home (calling E.T.!) after the Japanese takeover and finds only spooky hand- and footprints on the cosmetic powder scattered across his mother's ransacked room. The Freudian suggestions are powerful, as is the aura of sex between Bale and a mother stand-in at the internment camp (Miranda Richardson) who drinks water from his cupped hand with some highly charged sips. As in *The Color Purple*, all evil is external to the main character, although here, at least, Spielberg seems to suspect otherwise. But he never delves deeply— beyond the myth of boyhood innocence and affection to the underside of the same feelings, where aggression subsumes play and eros colors filial love. Look at what *My Life as a Dog* tackled—only to emerge pure!

Worse than the avoidance is the celebratory element in the film, the frequent resort to special effects, the E.T.-like hands held over Bale's head by a doctor, and the tarty musical climaxes from John Williams's half of the score (the rest features some fine hymns sung by the Ambrosian Junior Choir acting as a pre-war boys chorus in Shanghai). The worst scene in the movie follows some stirring depictions of a dysentery-infested prison center; Bale forces the Japanese to take him to a work camp, first glimpsed in a terrifying scene of human masses breaking rocks to make a runway. It seems that we are about to go from the frying pan into the fire. But Spielberg shies away from the deeper issues to provide an unbelievable, happy tableau of Bale saluting Japanese pilots as if he were *their colleague* and then taking their counter-salute—all, naturally, to inspirational orchestral flourishes. Then—as if to prove, on a technical level, he was in fact making two films—Spielberg blacks out the screen and resumes the story with the subtitle ''four years later.'' All that time, and so little pain?

Empire of the Sun practically begs comparison with *The Last Emperor* and *Hope and Glory*. Like the former, it has been made with the help of the Chinese government, and partly concerns the invasion of China by Japan in World War II. Like the latter, its point of view belongs to a young English boy. But *Empire*'s real parallel among recent films is Brian De Palma's *The Untouchables*. Directors like De Palma and Spielberg know what they're doing on one level: they are technically proficient, skilled in film lore, able to recreate some of the effects of the grand masters—De Palma with Eisenstein, Spielberg with Kurosawa, whose genius at action sequences *Empire* sometimes manages to match. Indeed, Spielberg even pulls off the film acolyte's obligatory bow to movie tradition with a witty shot of Bale, alone and bewildered just after the invasion, beneath a poster for the 1939 *Gone with the Wind*. It's a nice pun on art and life.

The trouble comes with treatment of character, which, as David Denby of *New York* magazine noted in a long cover essay (June 22, 1986), is not the specialty of film-school graduates trained primarily as video technicians. Indeed, Spielberg's weakness in handling a mature character, or rather

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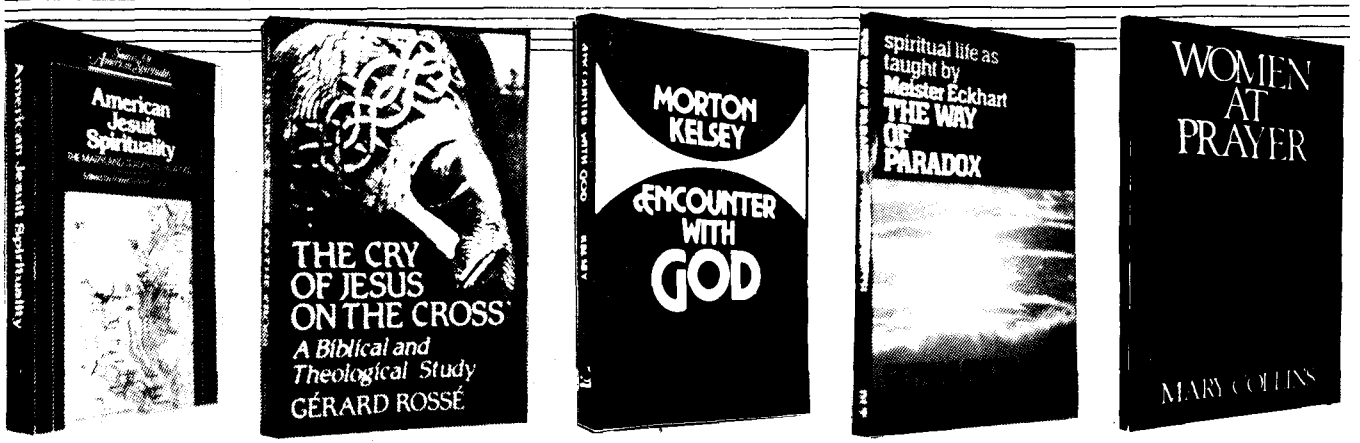

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handling character maturely, is based on his obliviousness to his own overindulged obsessions. Granted, Spielberg's narcissistic childishness is more benign than De Palma's, and in films located in the world of childhood or myth (*E.T.*, *Close Encounters*) is a potent source of film magic. Nevertheless, *Empire* amounts to a vast directorial Freudian slip. Ex-Catholic De Palma blood worships Father and Son; in nearly every movie (often appropriately) Spielberg oediplays Me and My Mom. In that order.

Sadly, in *Empire* Spielberg has tackled tragic material unsuitable for his special gifts. Spielberg may be recalling the war films—*Sands of Iwo Jima*, *Guadalcanal Diary*, the original *Gung-Ho*—that were staples on American television when he was growing up in the 1950s. Fortunately, he does not repeat the racial stereotypes that dominated them. But Spielberg wavers between a genuine sense of human tragedy and the old films' heroic hullabaloo. He presents two unreconciled images of Japan in his film: militarist (represented mostly by the internment camp commander) and humane (represented by a young Japanese boy, Bale's Asian alter ego, who trains enthusiastically to become a kamikaze pilot). But these images are never brought together; the commander disappears, and, at the end (you guessed it) it's the Boys against Brutes, since Boys everywhere are "just like us." A study of national differences gives way to generational ones. One could accept even this united nations of youth more easily if Spielberg's images weren't go grossly sentimentalized.

TOM O'BRIEN

BOOKS

Choices of the political art

MAKING PUBLIC POLICY
A HOPEFUL VIEW OF AMERICAN GOVERNMENT
Steven Kelman
Basic Books, $19.95, 332 pp.

John Brandl

With little fanfare a new approach to the study of government has become remarkably influential in the academy. Public choice theory, an outgrowth of economics, is supplanting traditional methods of research in political science, law, sociology, and organization theory. It is not too much to predict that in a generation it could be remembered as the most important development of our time in the social sciences.

Public choice theory rests on the disarmingly simple assumption that people act self-interestedly. In economics self-interest is construed as the attempt by consumers and producers, demanders and suppliers, to maximize satisfaction and profits, respectively. Mathematics provides a powerful calculus for solving maximization problems, which has enabled economics to become an elegantly developed discipline, rich in hypotheses for explaining how the economy works.

Since Adam Smith, maximization has been the logic of economists. Now economics has become intellectually imperialistic, claiming to explain how all manner of organizations operate, from government agencies and labor unions to colleges and even families. For example, politicians are assumed to be interested only in maximizing their probability of being reelected, bureaucrats in maximizing their agency's budget. That is the kind of research for which Professor James Buchanan won the 1986 Nobel Prize in economics.

Recognizing selfishness in people is hardly an innovation. The governmental system designed by James Madison and its cousin, Adam Smith's economy, both are attempts to show that the self-interested behavior of individuals can produce, when aggregated, acceptable social arrangements. Their message to a skeptical world was that freedom, order, justice, prosperity, and small government are compatible. However, thinkers in this country usually expected the self-interest of public servants to be tempered by duty. Madison himself believed that the new nation would require public-spirited statesmen. Public choice theory asks how organizations would operate if populated by single-minded self-seekers. That parsimony permits mathematical formulation and yields precise, unsettling predictions.

Since economists are citizens too, the new theory has become all the more attractive and influential in the age of Ronald Reagan, whose main achievement may have been to convince large numbers of people that government is a waste of money.

Enter Steven Kelman with a dissenting view. He comes well prepared. A professor at the John F. Kennedy School of Government at Harvard, Kelman has written widely on governmental matters. A few years ago he demonstrated the obtuseness of the Grace Commission (on waste in government) and he has been a practical philosopher, arguing the superiority of deontological ethics over utilitarianism as a basis for justifying social policies.

Only a few pages of *Making Public Policy* are devoted explicitly to public choice theory, aspects of which Kelman dismisses with such epithets as

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"zaniest," "brazenness," and "bizarre." He is no devotee of this new science, but has even bigger fish to fry. Not only does Kelman reject theories that would explain human actions solely in terms of self-interest; he insists that only if there is a healthy portion of public-spiritedness in its politicians, judges, bureaucrats, and citizens, can the American political system work well. What's more, he believes there is and it does.

Kelman sets out to evaluate American government by asking two questions: Does it produce good public policy? Does it make us a more dignified people? His method is to find and describe actions that would not have occurred if policymakers were merely self-interested — a simple device with engrossing results.

Congressional voting records on such issues as oil price regulations and strip mining defy explanation in purely parochial terms even when a large number of a politician's constituents have a clearly defined interest in the issue. Political biographies contain numerous references to soul-searching when the interests of politicians' constituents are obvious but the public interest is not. And in a gibe at economists for whom preferences are fixed, Kelman notes that in congressional debate good arguments change people's minds — indication, he says, that honest efforts are being made to find and do what is right. Again and again, "members of Congress have voted to deprive themselves of some things that many commentators believe they seek above all — power and the chance to provide visible constituency benefits — so as to bring about good public policy."

He makes bold to say that this disposition is stronger the more important the issue on which the Congress is working.

That case is also made for actions of the president, the only person elected by all the voters. And from the judiciary there comes a remarkable statement of William O. Douglas who asserted that in his four decades as a Supreme Court Justice he never witnessed or even heard of an attempt by an outside organization or official (presumably other than Franklin Roosevelt!) to "tamper" with the Court.

The argument is both that government is replete with instances of public-spiritedness and that such behavior is fostered by the design of our institutions. To bolster his case Kelman offers dozens of examples, from aggressive mass media to congressional oversight committees to the robes in which we drape our judges.

Kelman underestimates the force and importance of public choice theory. It can explain why legislatures move slowly and why — more often than he acknowledges — they protect the interests of local constituents when the broader public interest is otherwise and would seem to be clear. Still, by itself that is not much of an accomplishment for the new theory and it does not betray any great flaw in the system. Go-getting political reporters and the recent proliferation of countervailing interest groups have made it harder for legislatures to give unpublicized and undeserved benefits to potent constituencies.

The great flaw in American government today is the organizational structure of the executive branch, and that is where Kelman's thesis falls short. Government operates through bureaucracy. Public choice theorists hypothesize that the individual actions of bureaucrats, as self-interested as anyone else, aggregate not to order and efficiency but to hugeness and gross inefficiency. It is distressing to acknowledge, but whether one approves of the self-interest assumption or not, by and large the facts bear out the theory's predictions. Indeed, the most important finding of policy research in the past couple of decades is that for much of what government does, expenditures do not yield results. Unfortunately, Kelman did not devote enough of his book to

REVIEWERS

JOHN BRANDL *is acting dean of the University of Minnesota's Hubert H. Humphrey Institute of Public Affairs, and a member of the Minnesota State Senate.*

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confronting this awkward circumstance.

The immense bureaucracies of government were not envisaged by the Founders, nor is there any plausible contemporary theory to support an expectation of bureaucratic effectiveness. When the Founders accepted Madison's idea that keeping Americans busy making money would distract them from needing much government, could they have foreseen that after a couple of centuries their endorsement of self-interest would result in the Ivan Boeskys and General Secords of our world? Could they have expected people not only to extol greed, but to *pattern* themselves after the theory of the efficacy of self-interest?

In such a time, bureaucracy, lacking strong and institutionalized stimuli to public-spiritedness, is bound to be ineffective and inefficient. The sad fact is that bureaucracies receive insufficient public respect or scrutiny, their members insufficient inspiration or prodding for them to be productive organizations. Unlike Congress, the president and the courts, bureaucracy tends inherently to inefficiency and demoralization. A sense of the legitimacy of greed is seeping from the private sector into the public and that is ominous.

Although he exhorts Americans to demand measured outputs from government and to develop a "culture" of public-spiritedness in government, Kelman confronts a task tougher than he acknowledges. Replacing bureaucracy with community as the organizing principle of the executive branch and of the schools, the two great loci of bureaucracy in America, is the major challenge of domestic government today. Meeting it requires replacing oligarchy with participation, rules with inspiration, employeeship with stewardship, clientship with ownership, public monopolies with diversity, coercion with choice, Federalism with Anti-Federalism — and self-interest with public-spiritedness.

All who are interested in government — and many others who should be — ought to thank Steven Kel an for giving us his lovely vision of public-spiritedness. But we must work even harder than he suggests, toward devising institutions to which people will be drawn in part by self-interest but where incorporation in a community develops generous impulses. In so doing we can save ourselves and our government.

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THE CHALLENGE FOR AMERICAN CATHOLICISM

Dennis P. McCann
Sheed & Ward, $8.95, 191 pp.

Richard P. McBrien

This book was originally intended as a conventional commentary on the U.S. Catholic bishops' pastoral letter on the economy. It became instead "a contextual reading of the pastoral letter process and its historic significance for American Catholicism."

Its central thesis is summarized in the last sentence of the final chapter: "If the church expects this nation's economic institutions to democratize themselves so that all may share in 'basic justice,' the church must lead the way by democratizing its own institutions."

The church, therefore, must truly become a "community of moral discourse" (James Gustafson), affirming the presence of the Holy Spirit in the experiences of ordinary believers (Isaac Hecker) as it constantly strives to create the "kingdom on earth" (H. Richard Niebuhr).

Dennis McCann, a social ethicist in the department of religious studies at DePaul University, suggests that the process by which the bishops produced their pastoral letter is more important than the letter itself. Others had made the same point about their 1983 letter on peace.

According to McCann, the bishops'

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principal contribution to the church and to "a sense of critical patriotism among the citizenry is a self-correcting process of mutual learning and teaching, which promises not only to strengthen our capacities for democratic consensus-making, but also to insure that whatever consensus we achieve will be informed by religious and ethical considerations." Consistently implemented, this process "could transform the Catholic church into a community of moral discourse."

But McCann also believes that the bishops are ambivalent about their achievement, and that so long as their ambivalence persists the Catholic church in America cannot be the kind of positive force for justice that it hopes to be.

He traces this episcopal ambivalence back to a major trauma in U.S. Catholic history; namely, the condemnation of the so-called Americanist heresy by Pope Leo XIII at the turn of the century. That "preemptive strike" against a newly emerging form of Catholicism has made American church leaders ever since "unduly defensive in their approach to American institutions and cultural values." They are torn between institutional loyalty to Rome and their inescapable involvement in the American democratic experience.

McCann, therefore, calls upon the bishops, and the U.S. Catholic community generally, to "put aside the evasions of adolescence and face squarely the ambiguity of our past, present, and future." Indeed, he describes his book as "an attempt to dispel our collective amnesia," to force us all to look our Americanist past in the eye, and then boldly and fearlessly to re-ignite the engine of democracy in the church.

Although he insists that this is not an original piece of historical scholarship nor a conventional tract in systematic theology, the book does have elements of originality and it is obviously the work of a theologically sophisticated writer. Notwithstanding its undeniable merits, the book also raises some questions.

Why, for example, did the author and his publisher not wait for the final draft of the bishops' pastoral letter? If this is supposed to be a commentary ("contextual" or otherwise) of a major ecclesiastical

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document, why did they settle for an analysis of the penultimate draft?

Even the keynote text from which the author draws his (modified) title has undergone a change from the first draft to the final one. The bishops no longer speak of an "experiment in economic democracy," but of an "experiment in securing economic rights."

Why, in chapter 2, does he root the principles of uncoerced participation, public discussion, and open consensus formation in Vatican II's doctrine of collegiality rather than in the council's more fundamental doctrine of the church as the People of God? The 1976 Detroit "Call to Action" Conference, to which the author refers at some length, is much more directly an expression of the latter ecclesiological principle than of the former.

Why, in chapter 3, does he talk about the death of the "immigrant church" as if the 25 percent of U.S. Catholicism which is Hispanic did not exist? The "massive entry of Catholics into the mainstream of the American middle class" may explain the death of a significant *portion* of the immigrant church, with origins in white European society, but it does not take our large Hispanic Catholic community into account.

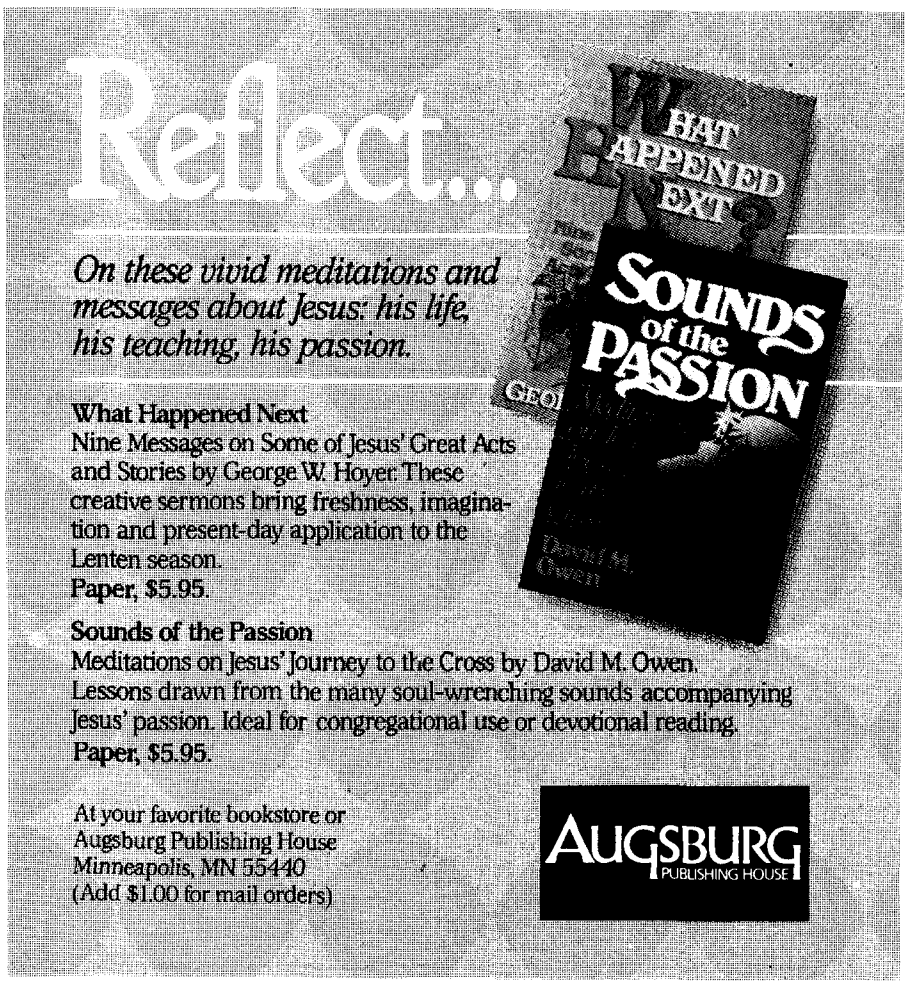
And why, in chapters 3 and 5, does the author spend so much space arguing with Michael Novak (pp. 75-87, 145-153)? To be sure, Novak is not an insignificant dissenter from episcopal teaching and, in particular, from the U.S. Catholic bishops' pastoral letters on peace and the economy. However, the attention is excessive in so short a book. Moreover, McCann refers incorrectly to Novak as a theologian. We ought to call a halt, once and for all, to this careless practice of conferring theological degrees on people (mostly philosophers) who haven't earned them.

I would pose similar questions about the attention given Larry Rasmussen and Mary Daly. Daly, one might add, is no longer a Catholic, although her dissent from traditional Trinitarian dogma is portrayed here as a "Catholic" dissent, albeit "the most radical."

McCann indicates in his "Conclusion" that he has addressed his book to the American Catholic community, bishops and ordinary believers alike.

Although I would agree with Charles Curran's jacket comment that the book merits "serious attention" by all who are interested in U.S. Catholicism, I am inclined to doubt that it will be read by more than a handful of bishops and ordinary Catholics. It may be too "highbrow" for the latter (Habermas's "truth-dependent mode of socialization" is not the clearest or most compelling way to get at the notion of participatory democracy in the church), and it may be too "academic" for the former. It's not that bishops are incapable of following a sustained theological argument, but they prefer that it terminate in specific and pastorally practical conclusions. Cardinal Bernardin, in particular, might be put off. His name is consistently rendered as "Bernadin" throughout.

Even if this book might not have so wide an audience as originally intended, it deserves a serious one. I should think that Dennis McCann will want to carry his argument forward, beyond this book, in lectures, articles, and perhaps another monograph. One would hope so.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IN BRIEF

RELIGION AND CULTURE: ESSAYS IN HONOR OF BERNARD LONERGAN, S.J. *Edited by Timothy P. Fallon, S.J. and Philip Boo Riley. SUNY Press, 395 pp.*

This is a collection of three keynote addresses and twenty-one shorter essays ranging from nine to eighteen pages delivered at the symposium honoring Bernard F. J. Lonergan in March of 1984 at the University of Santa Clara. The keynote addresses treat the task of interpreting Lonergan (F. Crowe), the question of pluralism and authority (S. Toulmin), and renewal in spirituality (W. Johnson). The shorter essays are arranged according to a series of "orientations" devel-

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oped from Lonergan's thought. Five essays present orientations in philosophy, nine in theology, four in the human sciences, and three in economics.

The patristic essays treat of materials dear to Lonergan from his courses in christology (C. Helfing on "The Way to Nicaea" and W. Loewe on Irenaeus's soteriology). S. Happel's application of themes from religious rhetoric to Lonergan's category of "foundations" throws light on the practical expansion of Lonergan's enterprise from the perspective of contemporary rhetorical theory. Under the heading of "Orientations in the Human Sciences," Walter Conn calls attention to an addition to Lonergan's ideas on understanding and conversion by stressing the importance of *affective* conversion, an issue mentioned by a number of Lonergan's students and critics.

The volume makes a valuable addition to those who, like myself, maintain a "Lonergan shelf" in our working libraries.

JOSEPH M. POWERS

CORRESPONDENCE

(Continued from page 2)

One faint criticism surfaced. Some thought you have no sense of humor. All grim purpose and viewing with alarm. . . .

A cavil and a canard. Let anyone who doubts *Commonweal*'s sense of humor read "The Minutes of the Parents' Meeting" [October 23]. Also note the cover with Gorbachev and his hammer and sickle birthmark drinking Classic Commie Cola.

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24th Theology Workshop, St. Mary's College, Box AB, Moraga, CA 94575, June 20-24, Bernard Cooke: Liturgy in a Post-Vatican II Church. Write: Timothy McCarthy, Director.

Kirkridge Gathering

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THE 'TENTH DOLLAR'

Dear Reader,

The news item on this page is a small one. It appeared on page 38 of the January 2 *New York Times*. It is, however, the kind of small item that can loom very large in the life of an undertaking like *Commonweal*. This magazine exists not only in the world of political discussion, theological debate, literary criticism, and religious reflection, but in the world of newsprint prices, postal rates, printing costs, and telephone bills. In that world, *Commonweal,* like virtually every other serious journal of ideas, operates at a deficit. It is a world where many other journals manage to survive only because they are subsidized by larger organizations with their own institutional agendas.

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By The Associated Press

Newspapers around the country are facing a sharp increase in the price of newsprint with the start of the new year, and analysts say another increase is likely some time in 1988.

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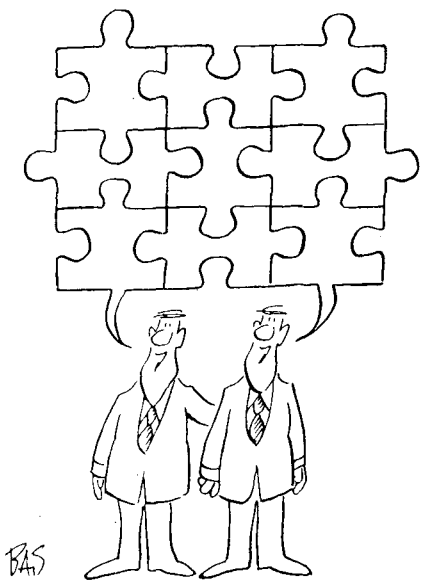

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COMMONWEAL ASSOCIATES, 15 Dutch St., New York, N.Y. 10038

Please enroll me as a member of the Associates to enable *Commonweal* to continue its work.

☐ Patron Member $200 or more
☐ Charter Member $100
☐ Sustaining Member $50
☐ Full amount enclosed
☐ Half the full amount enclosed; remind me of the balance in 6 months.

Name _____

Address _____

City, State, Zip _____

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